

## Summary Minutes

### **Emergency Medical Services Regulatory Board**

Executive Committee Meeting

Monday, September 27, 2010, 9:30 a.m.

2829 University Avenue SE, Conference Room C

Minneapolis, Minnesota

#### Executive Committee

##### Members Present

James Rieber

Paula Fink Kocken, M.D.

Pat Lee

Kevin Miller

Gary Pearson

#### Guests

#### Staff Present

Katherine Burke Moore

Talia Landucci

Melody Nagy

Nathan Hart, AGO

#### **I. Call to Order**

Mr. Rieber called the meeting to order at 9:34 a.m.

#### **II. Approval of Agenda**

Mr. Rieber asked for an update on the Ridgeview/Glencoe issue. Mr. Rieber said that he also wanted to discuss who can contact the Attorney General's office.

Mr. Rieber suggested adding an agenda item regarding a meeting with regional programs about the grants.

Mr. Lee moved approval of the agenda with the changes as noted by Mr. Rieber. Mr. Pearson seconded. Motion carried.

#### **III. Approval of Minutes**

Mr. Miller moved approval of the September 8, 2010 minutes. Dr. Fink Kocken seconded. Motion carried.

#### **IV. Budget Review**

Mr. Rieber said that we have been trying to develop this document for quite a while. We want this prepared in case we face budget reductions.

Mr. Hart said that this is preliminary budget data and it is private. Mr. Rieber said that we want information prepared so that when we meet with legislators we have information available. Ms. Burke Moore said that she is concerned that Board members are meeting with legislators without the executive director of the agency present. The executive director knows the operations of the office.

Mr. Miller said that he was concerned about statements Ms. Burke Moore made at the legislature last year about the EMSRB budget. Ms. Burke Moore disagreed with Mr. Miller's statement.

Mr. Rieber said that the budget process is handled by MMB. When we are providing information to legislators that is a different thing. I will be meeting with a legislator on Saturday. We need to explain the impact of potential budget reductions. Ms. Burke Moore asked what the source of a 20% budget reduction is. Mr. Rieber said he has had

discussions with several people who said that the reduction may be 20%. We want to provide information on how this will affect the agency.

Mr. Rieber asked if this information can be legally shared. Mr. Hart responded that Board members need to be careful in how they speak. Mr. Hart asked how much of EMSRB's funding is general fund. Ms. Burke Moore said that 100%.

Ms. Burke Moore said that the Board has asked for this preparation document. MMB has informed Ms. Vangsness that there will be no cuts for the EMSRB.

Mr. Rieber said that this is an information sheet to show the impact of what would happen if the reductions were made. Other agencies have been asked to take cuts. At this time there are no anticipated cuts for the health licensing boards.

Mr. Rieber said that every agency will be taking cuts. We want to have our plan in writing.

Mr. Rieber said that this is not just downsizing government. This shows how this will impact the agency. Mr. Hart said that you will have to be cautious in disseminating the document. Mr. Rieber agreed.

Mr. Rieber asked if the unions need to be informed of potential layoffs. Mr. Hart said yes we would need to do this. Mr. Rieber said that if Ms. Burke Moore refuses to meet with the unions I will. Ms. Burke Moore said that she will inform the unions and will inform the Governor's office that we will meet with unions. Mr. Rieber said that he asked Ms. Burke Moore to set up the meeting with the unions for today. He asked if that was done. Ms. Burke Moore said no because she wanted to have this discussion first.

Mr. Rieber said that this is an "information sheet for planning purposes". He said that he is concerned about how Ms. Burke Moore would testify in front of a committee. The Board needs the same information to provide to people. Ms. Burke Moore said that she would prepare the document as requested.

Mr. Hart said that as Ms. Burke Moore changed the document you may not need to meet with the unions. This impact would be the same – layoff versus eliminating positions. The end result is still the same. Mr. Rieber said that is what he said last week.

Ms. Burke Moore said that in a large agency you can move people around. Mr. Rieber said that he wants to be involved in a conference call with the unions if that is necessary. Ms. Burke Moore said that she would discuss this with Ms. Benton.

Mr. Hart said that if you layoff staff you are not eliminating a position. If you eliminate a position it would not affect current staffing.

Mr. Rieber said that when you implement the decision on a layoff. Then you talk to the union. Mr. Hart agreed that Ms. Burke Moore should talk to Ms. Benton about this issue.

Mr. Rieber said that if you layoff a staff there is a potential for bringing them back. If you eliminate a position then there is no longer a position to fill.

Ms. Burke Moore said that she wanted to have a discussion with the Executive Committee on these options. We would have to eliminate two staff to reach these levels of salary savings.

Mr. Rieber asked why the meeting with the regions was not set up yet. Ms. Burke Moore said that she wanted to discuss this first.

Mr. Miller asked what is confusing. Why would the Board not use a document that we asked for. Ms. Burke Moore said that you often ask for things and when you review it you want changes.

Ms. Burke Moore said that she will inform MMB of this and the Governor's office that we will be meeting with the unions. Mr. Rieber asked when this will be scheduled. Ms. Burke Moore said she would make calls today. Mr. Rieber said that he wants to be present for these meetings or would participate by conference call.

Dr. Fink Kocken asked for the total number of employees and a chart showing the attrition. We would have no employees left at some point. Ms. Burke Moore agreed and said that she could provide a chart. Mr. Rieber asked for bullet points in the document.

Dr. Fink Kocken asked for an explanation of how many ambulance inspections are done in a year and how many would not be conducted due to the reductions. Mr. Miller said that he previously asked for this same information.

Ms. Burke Moore explained that the budget document from Ms. Vangsness and my document are not exact. I will meet with Ms. Vangsness to clarify these numbers.

Ms. Burke Moore said that we do not have anything else to cut but people. Mr. Miller said that is what we want the legislators to understand.

Mr. Rieber said that if we are six months out on investigations that will affect public health.

Mr. Miller said that we are not trying to eliminate staff. I want to be crystal clear that we are trying to keep staff. We need this document to prove that we will lose staff if we must take budget reductions. Mr. Rieber said that this conversation is already happening.

Mr. Rieber said that he is looking for information regarding staff costs. Ms. Burke Moore said that there would be six months of unemployment and insurance at approximately \$1,800. In addition, most employees will have sick and vacation banked that will need to be paid out. Mr. Rieber asked if that is in the current budget. Ms. Burke Moore said that she would ask for clarification that it is not included in the current budget.

Mr. Rieber said that if a person makes \$60,000 then the savings in the first year would be \$25,000 then the savings would be 100% the next year. We want to provide true information.

Mr. Pearson said that he is waiting for budget information. Ms. Burke Moore said that she has a printout for Mr. Pearson and Mr. Rieber. Ms. Burke Moore said that she is trying to provide these documents in a useable format. I will probably need to mail it out.

Mr. Rieber asked about MNSTAR forms. Ms. Burke Moore said that she will provide that information again, but this was discussed at a previous meeting. Ms. Burke Moore said that there is no additional cost to us. Mr. Rieber said that there is a cost for someone to process the orders. Ms. Burke Moore said that these are minimal costs.

**V. Glencoe Application**

Mr. Hart said that the court of appeals will be receiving an order for dismissal. Ms. Burke Moore said that notification went out to Glencoe this week. Mr. Hart said that this will result in a contested case when we have followed due process.

Mr. Rieber asked for an affidavit from the newspapers that this was published. Ms. Burke Moore said that the State Register notification will be posted on October 4. Mr. Rieber asked what the official notification is. Mr. Hart said that it is the closest paper in the county. Mr. Miller asked what happened. Mr. Rieber said that can be discussed in closed session.

Mr. Rieber said that he contacted the Attorney General's office regarding this issue. Ms. Burke Moore said that this should come through the EMSRB office. Mr. Hart said that this is not a law but this has been the practice with agencies. When there is an emergency situation then there could be an exception. Mr. Hart said that we need to know that we are all on the same page. Mr. Hart said that Ms. Burke Moore needs to be informed of issues being discussed.

Mr. Miller said that he needs information from the Attorney General's office for an October 5 meeting. Mr. Miller said that he does not receive information from Ms. Burke Moore. Ms. Burke Moore disagreed and said that she provides information when she receives it. The Attorney General's office only has so much time to provide to each agency.

Mr. Rieber said that when he heard about Glencoe he asked that Ms. Burke Moore contact the Attorney General's office. Mr. Rieber said that Mr. Hart does not remember the conversation with Ms. Burke Moore about reopening the comment period for Glencoe. Mr. Rieber said that he received a different answer from Mr. Hart.

Mr. Hart said that we all need to be on the same page. Mr. Miller said that he has not received the information he needs.

Mr. Rieber said that he asked Ms. Burke Moore to ask the Attorney General's office if we can reopen the comment period. Ms. Burke Moore said that she does not remember how she asked the question it became very complicated. Mr. Hart said that at that time we thought the process was followed. Mr. Rieber said that we asked the question – it should be a simple answer. Mr. Hart said that there was a question of what we are required to do. If the agency followed the process then there was no reason to reopen the process.

Mr. Hart said that the end result is the same. There may be no harm. The fault would have still been there. Mr. Miller said the other agency asked this question before they filed a law suit.

**VI. Contact with the Attorney General's Office**

Mr. Rieber said that he is not comfortable in not having this contact. He agreed that in most cases the usual process can be followed. Mr. Hart said that he would be more

comfortable in having these discussions with Ms. Burke Moore participating. He said that there is no simple answer from a lawyer. Mr. Rieber said that he has informed Ms. Burke Moore that he is contacting the Attorney General's office. The answer depends on how you ask the question.

## **VII. Regional Program Meeting Regarding RFP**

Mr. Rieber said that we asked for a meeting with the regional programs. The regions receive grants provided by the state. We want to have a meeting with the regions to ask for feedback in developing the RFP. Mr. Rieber asked if we can have a meeting with them before we develop the RFP.

Ms. Burke Moore said that if you have a meeting with them then they have an unfair advantage. Mr. Rieber said that they are giving us input on what works well in their regions. Ms. Burke Moore said that would be an unfair advantage. Mr. Miller said that this is bureaucracy at its finest. How would you make changes without seeking input from the end user. Ms. Burke Moore said that you see improvement and new ideas with the grant activity.

Mr. Miller said that Ms. Landucci does a great job. Ms. Burke Moore agreed and said she managed grants in traffic safety and it was clear that potential grantees cannot be involved in the RFP. Ms. Burke Moore said that she spoke to Patty Kolte of the Attorney General's office who said that you cannot have people bidding on the grant and submitting information for the RFP.

Mr. Rieber said that you can ask for public comment. Then the information can come from anyone. Ms. Burke Moore said that you do not have the people bidding for the grant involved.

Mr. Rieber said that we want to have a meeting to discuss what is working well. Ms. Burke Moore said that this is a conflict. Mr. Rieber said that they all have access to last years grant. Ms. Burke Moore said that the regional programs cannot put together the RFP. Mr. Miller said that we are not asking them for the information for the RFP. Mr. Hart said that this should be handled by a contract specialist.

Mr. Rieber said that he wants to meet with them. We want information from the grantees on what works well. Mr. Rieber said that then we can have a separate committee develop the RFP. Ms. Burke Moore said that the information we received from Patty Kolte and Ms. Benton is that we cannot have the grantees provide information for the RFP.

Mr. Lee said that the eight regional programs want to provide information on what works well in our regions. Ms. Burke Moore said that the regions can discuss this but this cannot be part of the RFP development. Mr. Rieber said that we can find things to improve the RFP by having this discussion with the regions. Mr. Rieber said that this is good management practice. We want to gather information and bring that to the RFP committee that will not involve the regional programs.

Mr. Rieber said that he wants a conference call with Patty Knolte and Ms. Benton. Mr. Rieber said that he wants information to develop a good RFP.

Ms. Burke Moore said that the grantees and this office have not had a good working relationship for some time. You do not discuss this when developing the RFP. You have

ongoing discussions with the regions on the process. Mr. Miller said that we repeatedly asked for meetings with the regions.

Mr. Rieber said that he wants to gather information when it is vital. Ms. Burke Moore said that we do not want to play a shell game. Mr. Rieber said that I will make the call if you won't. Mr. Rieber said that we need the information for the RFP committee. Ms. Landucci said that the RFP is basic information. When the RFP is published they can change their proposal and submit this information.

Mr. Miller said that there are minimal criteria for development of an RFP. Mr. Miller said that the process is old. He asked if this can be updated. Could the regional dollars be spent better in another way. This will provide due process in the development of the contract.

Mr. Hart said that we need to understand how much separation we must have. We must follow the contracting process.

Ms. Burke Moore said that a conference call is scheduled.

#### **VIII. Closed Session**

The Executive Committee met in closed session to review the quarterly goals document.

#### **IX. Adjourn**

Meeting adjourned at 12:20 p.m.